



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

October 5, 2023

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
West Penn Power Company
Docket No. C-2023-3042656
I&E Reply to New Matter

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Reply to New Matter of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced matter.

Copies are being served on the parties of record in accordance with the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', written over a light blue horizontal line.

Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
(717) 783-5243
grosul@pa.gov

GR/ac
Enclosures

cc: Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via email*)
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3042656
	:	
West Penn Power Company	:	
Respondent	:	

**BUREAU OF INVESTIGATION AND ENFORCEMENT
REPLY TO NEW MATTER OF
WEST PENN POWER COMPANY**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”), Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Reply to New Matter of West Penn Power Company (“Respondent”), pursuant to 52 Pa. Code § 5.63(a). The purpose of New Matter in response to a Complaint is to “set forth ... another material fact which is not merely a denial of the averments of the preceding pleading” or to raise affirmative defenses. 52 Pa. Code § 5.62(b). In response to what Respondent has designated as “New Matter,” I&E avers as follows:

20. Denied. To the extent that Respondent attempts to incorporate any and all assertions made in paragraphs 1-19 of its Answer as “New Matter,” this is denied. Pursuant to 52 Pa. Code § 5.62(b), affirmative defenses must be set forth under the heading of “New Matter.” New Matter is limited to material facts that are not merely

denials of averments of the preceding pleadings. Respondent cannot simply incorporate by reference all paragraphs of its Answer as “New Matter.”

21. Admitted in part and Denied in part. It is admitted that I&E proposes a civil penalty in the amount of \$25,000 as set forth in I&E’s Complaint at Paragraph 19 b. It is denied that this averment qualified as a “New Matter” pursuant to 52 Pa. Code § 5.62(b).

22. Admitted in part and Denied in part. It is admitted that the penalty proposed by I&E results from Respondent’s alleged violations of the Public Utilities Code and its attendant regulations as set forth in I&E’s Complaint at Paragraph 13. It is denied that this averment qualified as a “New Matter” pursuant to 52 Pa. Code § 5.62(b).

23. Admitted in part and Denied in part. It is admitted insofar as the Respondent recites the allegations in the five counts brought by I&E in its Complaint as set forth in I&E’s Complaint at Paragraphs 14 through 18. It is denied that this averment qualified as a “New Matter” pursuant to 52 Pa. Code § 5.62(b).

24. Admitted in part and Denied in part. It is admitted that I&E proposes a civil penalty in the amount of \$25,000 as set forth in I&E’s Complaint at Paragraph 19 b. It is denied that this averment qualified as a “New Matter” pursuant to 52 Pa. Code § 5.62(b).

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Office of Administrative Law Judge and the Commission reject the New Matter raised by West Penn Power Company, dismiss Respondent's Answer and sustain I&E's Complaint.

Respectfully submitted,



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Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Date: October 5, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3042656
	:	
West Penn Power Company	:	
Respondent	:	
	:	

VERIFICATION

I, Brent Killian, Electric Safety Division Supervisor of the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, Electric Safety Division, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau of Investigation and Enforcement will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 5, 2023



Brent Killian
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Electric Safety Division
400 North Street
Harrisburg, PA 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3042656
	:	
West Penn Power Company	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail

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Dated: October 5, 2023